

DEPARTMENT OF ENVIRONMENT AND LEISURE

ORIGINATING SECTION: PUBLIC PROTECTION SERVICE

REPORT TO: LICENSING ACT 2003 SUB-COMMITTEE Date: 24 October 2023

**TITLE : APPLICATION FOR A NEW PREMISES LICENCE-
61 Whalley New Road, Blackburn, BB1 6JY**

1.	<u>PURPOSE OF REPORT</u>
1.1	For members to consider an application for a new premises licence in respect of 61 Whalley New Road, Blackburn, BB1 6JY.
2.	
3.	<u>BACKGROUND</u>
3.1	The Licensing Act 2003 provides that the functions of the licensing authority (including its determinations) are to be taken or carried out by the Licensing Committee. The Licensing Committee may delegate these functions to sub-committees and the Council's constitution has been amended to incorporate this.
3.2	The Statement of Licensing Policy indicates how the licensing authority approaches its various functions.
3.3	Where under the provisions of the 2003 Act, there are no relevant representations on an application for the grant of a premises licence or club premises certificate or police objection to an application for a personal licence or to an activity taking place under the authority of a temporary event notice, these matters will be dealt with by officers.
3.4	The Licensing Committee will receive regular reports on decisions made by officers so that they maintain an overview of the general situation.
3.5	Each application that comes before this committee will be treated on its own merits, and this licensing authority will make its decision having regard to: <ul style="list-style-type: none">● The merits of the application● The promotion of the four licensing objectives● The policy of the licensing authority● The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003

<p>4.</p> <p>4.1</p> <p>4.2</p> <p>4.3</p>	<p><u>DETAIL</u></p> <p>Mr Farman Ahmed has submitted an application under section 17 of the Licensing Act 2003, for a new premises licence by in respect of 61 Whalley New Road, Blackburn, BB1 6JY (Appendix 1).</p> <p>The applicant wishes to permit the provision of Late Night Refreshment each day between 23:00 hrs and 03:00 hrs the following day.</p> <p>The applicant has indicated that he intends for the premises to be open to the public until 03:15 hours seven days a week.</p>
<p>5.</p> <p>5.1</p> <p>5.2</p> <p>5.3</p> <p>5.4</p> <p>5.5</p>	<p><u>CONSULTATION</u></p> <p>The application was advertised in accordance with the Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005 and has been served on all of the Responsible Authorities.</p> <p>At the close of the statutory consultation period there were two outstanding representations. One from a local Councillor (Appendix 2) and one from Environmental Health in their capacity as a Responsible Authority (Appendix 3).</p> <p>Lancashire Constabulary have confirmed that they reached an agreement with the applicant to include an additional condition and therefore do not object to the application (Appendix 4).</p> <p>The Planning Officer has provided information about the current restrictions on the use of the premises under Planning legislation (Appendix 5).</p> <p>The applicant has been given notice under Regulation 7 of the Licensing Act 2003 (Hearings) Regulations 2005 of this evenings meeting and has also been provided with copies of the documents specified in Column 3, Schedule 3 of the Regulations.</p>
<p>6.</p> <p>6.1</p>	<p><u>POLICY CONSIDERATIONS</u></p> <p>The following sections of the council's policy are particularly applicable to this application.</p> <p>13. The holders of licences issued under the Act will be required to recognise the role which they play in preventing crime, disorder and public nuisance both on their licensed premises and outside their premises (on the pavement and in a beer garden or smoking shelter, for example). The Licensing Authority will use its powers to impose licence conditions to require licence holders to exercise reasonable control in these areas, on both new applications and following a review.</p> <p>14. Applicants are reminded that planning permission may also be required before any licensable activity can take place and that the planning regime and licensing together will be used by the Council to manage the environment, particularly anti-social behaviour, noise etc. It is the planning process which controls the development and overall use of premises, with licensing regulating individual licensable activities and the management of licensed premises.</p>

6.2	The most relevant sections of the statutory guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 have been reproduced at Appendix 6 .
7.	<p><u>THE LICENSING ACT 2003</u></p> <p>7.1 Section 18(3) of the Licensing Act 2003, as amended, requires the Licensing Authority to hold a hearing to consider an application and any relevant representations, within twenty working days following the end of the statutory twenty-eight day consultation period, which ended on 10 October 2023.</p> <p>7.2 The licensing authority must have regard to the application and representations and take such steps as it considers are appropriate to secure the promotion of the licensing objectives.</p> <p>7.3 It may take any of the following steps</p> <ul style="list-style-type: none"> • Grant a licence subject to such conditions that the authority considers appropriate for the promotion of the licensing objectives. • Exclude from the scope of the licence, any of the licensable activities to which the application relates (this can include revising the permitted hours for licensable activities). • Reject the whole or part of the application
8.	<p><u>LEGAL IMPLICATIONS ARISING FROM THE REPORT</u></p> <p>8.1 Members are reminded that they must follow the rules of natural justice and they are bound by the code of conduct for elected members in licensing applications.</p> <p>8.2 Members are reminded that they should have read or should hear all the facts prior to making a determination</p> <p>8.3 Members are reminded of the consideration they should give to the Human Rights Act 1998, in particular Article 1 – the right to peaceful enjoyment of possessions, Article 6 – the right to a fair hearing, Article 8 – respect for private and family life and Article 10 – the right to freedom of expression.</p>
9.	<p><u>BACKGROUND PAPERS</u></p> <p>9.1 Appendices</p> <p>9.2 Statement of Licensing Policy</p> <p>9.3 The guidance issued by the Secretary of State under section 182 of the Licensing Act 2003</p> <p>9.4 The Licensing Act 2003.</p>

10.	<u>WARDS AFFECTED</u> The premises are situated in the Bastwell & Daisyfield ward.
11.	<u>CONTACT OFFICER</u> Niky Barrett, Principal Licensing Officer
12.	<u>DATE PREPARED</u> 12 October 2023